

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 175

SENATE BILL 1338

AN ACT

AMENDING TITLE 38, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 8; RELATING
TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, Arizona Revised Statutes, is amended by adding
3 chapter 8, to read:

4 CHAPTER 8

5 LAW ENFORCEMENT OFFICERS

6 ARTICLE 1. GENERAL PROVISIONS

7 38-1101. Law enforcement officers; right to representation;
8 definition

9 A. IF AN EMPLOYER INTERVIEWS A LAW ENFORCEMENT OFFICER AND THE
10 EMPLOYER REASONABLY BELIEVES THAT THE INTERVIEW COULD RESULT IN DISMISSAL,
11 DEMOTION OR SUSPENSION, THE LAW ENFORCEMENT OFFICER MAY REQUEST TO HAVE A
12 REPRESENTATIVE OF THE OFFICER PRESENT AT NO COST TO THE EMPLOYER DURING THE
13 INTERVIEW. THE LAW ENFORCEMENT OFFICER SHALL SELECT A REPRESENTATIVE WHO IS
14 AVAILABLE ON REASONABLE NOTICE SO THAT THE INTERVIEW IS NOT UNREASONABLY
15 DELAYED. THE REPRESENTATIVE SHALL PARTICIPATE IN THE INTERVIEW ONLY AS AN
16 OBSERVER. UNLESS AGREED TO BY THE EMPLOYER, THE REPRESENTATIVE SHALL BE FROM
17 THE SAME AGENCY AND SHALL NOT BE AN ATTORNEY. THE LAW ENFORCEMENT OFFICER
18 SHALL BE PERMITTED REASONABLE BREAKS OF LIMITED DURATION DURING ANY INTERVIEW
19 FOR TELEPHONIC OR IN PERSON CONSULTATION WITH OTHERS, INCLUDING AN ATTORNEY,
20 WHO ARE IMMEDIATELY AVAILABLE.

21 B. THIS SECTION DOES NOT APPLY TO AN INTERVIEW OF A LAW ENFORCEMENT
22 OFFICER THAT IS:

23 1. IN THE NORMAL COURSE OF DUTY, COUNSELING OR INSTRUCTION OR AN
24 INFORMAL VERBAL ADMONISHMENT BY, OR OTHER ROUTINE OR UNPLANNED CONTACT WITH,
25 A SUPERVISOR OR ANY OTHER LAW ENFORCEMENT OFFICER.

26 2. PRELIMINARY QUESTIONING TO DETERMINE THE SCOPE OF THE ALLEGATIONS
27 OR IF AN INVESTIGATION IS NECESSARY.

28 3. CONDUCTED IN THE COURSE OF A CRIMINAL INVESTIGATION.

29 C. THIS SECTION DOES NOT PREEMPT AGREEMENTS BETWEEN THE EMPLOYER AND
30 THE LAW ENFORCEMENT OFFICER.

31 D. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT OFFICER" MEANS
32 AN INDIVIDUAL WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICERS STANDARDS AND
33 TRAINING BOARD OR WHO IS A DETENTION OFFICER OR CORRECTION OFFICER AND WHO
34 IS EMPLOYED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE.

APPROVED BY THE GOVERNOR MAY 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2003.

Passed the House April 7, 2003,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Passed the Senate March 4, 2003,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Jake Flake
Speaker of the House
Norman L. Tyoore
Chief Clerk of the House

John Burnett
President of the Senate
Norma Chastain
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this 7th day of

May, 2003,

at 10:45 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1338

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 1, 2003

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Klu Blunett
President of the Senate
Chamion Bellister
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 2003

at 3:09 o'clock P. M.

Jandra Hamisey
Secretary to the Governor

Approved this 7 day of

May, 2003,

at 11:40 o'clock A. M.

Jon Kyl
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2003

at 4:09 o'clock P. M.

Jamie K. Brewer
Secretary of State

S.B. 1338